

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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UNITED STATES OF AMERICA, *ex rel.*)
JEFFREY J. BIERMAN,) CIVIL ACTION NO.
) 05-10557-EFH
Plaintiff,)
-v.-)
)
ORTHOFIX INT'L, NV, et al.,)
Defendants.)
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PROPOSED ORDER

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and the False Claims Act, 31 U.S.C. § 3730(b)(1), Orthofix International, NV. and Orthofix Inc. (collectively “Orthofix”), the United States, and Relator Jeffrey J. Bierman filed a Stipulation of Dismissal in this case. Upon due consideration of the Stipulation, and the papers on file in this action,

IT IS HEREBY ORDERED that,

1. Consistent with the terms of the June 6, 2012 Federal Settlement Agreement executed by the United States, Orthofix, and Relator (the “Federal Settlement Agreement”), all civil monetary claims asserted by or on behalf of the United States against Orthofix for the Covered Conduct as that term is defined in Recitals Paragraph E of the Federal Settlement Agreement are dismissed with prejudice; and

2. Consistent with the terms and conditions of the Federal Settlement Agreement, all other claims asserted on behalf of the United States in the above-captioned action are dismissed without prejudice as to the United States and with prejudice as to Relator; and

3. All claims asserted on behalf of Relator for attorneys' fees under 31 U.S.C. § 3730(d) are dismissed with prejudice.

4. This Order does not extend to any Defendants in this action apart from Orthofix or to the claims against such Defendants.

So Ordered this _____ day of _____, 2013

HON. EDWARD F. HARRINGTON
UNITED STATES DISTRICT JUDGE